

24 November 2003

Hon. Ricardo M. Urbina
United States District Court
for the District of Columbia
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue NW, Room 4311
Washington, DC 20001

RE: Civil Action No. 1:03-cv-1691
Jeff Schmidt v. American Institute of Physics

Dear Judge Urbina:

I am writing to seek the Court's guidance on how I can respond to factual misstatements in a reply brief arising out of a venue transfer motion.

After I was fired from my job, I sued my former employer, the American Institute of Physics, in District of Columbia Superior Court, because I worked for AIP in the District of Columbia. AIP moved the case from that District of Columbia state Court to this District of Columbia federal Court, and then filed a motion to move the case to a Maryland federal court. I filed an Opposition to AIP's venue change motion because I believe it is unwarranted and because transferring the case to Maryland would inconvenience me and my witnesses. AIP then filed a Reply to my Opposition.

I was shocked that AIP's Reply Brief asserts that I did not work in the District of Columbia. I know that AIP is extremely keen to get this case out of the District of Columbia, but it should not accomplish that through false statements. I hope the Court can tell me the procedure by which I can set the record straight.

It so happens that I still have AIP-generated weekly work-location schedules that show where every staff member worked every day. I have 57 pages of these schedules from the relevant period. These documents establish beyond doubt that I worked in the District of Columbia just as I stated in my Opposition, not in Maryland as AIP has asked the Court to believe.

In my Affidavit, I explained that I worked in the District of Columbia. But I didn't submit supporting documents, because I never imagined that AIP would dispute this fact. My work location, like that of every staff member, was well known to everyone in the organization, as it had to be, because my work as a feature-article editor required daily communication with staff members and with management.

Yet, throughout its Reply Brief, AIP claims that I worked in Maryland. On page 7, for example, AIP makes at least seven false statements:

- o "Plaintiff Worked For AIP In Its College Park, Maryland Offices"

- o "Mr. Schmidt's statement that he 'worked for AIP in the District of Columbia from July 25, 1997 until AIP fired me on May 31, 2000' is entirely false."
- o "From 1993 until 2000, Mr. Schmidt worked for AIP in its College Park, Maryland office."
- o "Mr. Schmidt implies that from 1997 through 2000, AIP requested, or at least condoned, that he work from home on a regular basis. This is false."
- o "AIP never agreed to permit Mr. Schmidt to work from home on a regular basis..."
- o "...and has no knowledge that he did so."
- o "AIP had no arrangement or agreement with Mr. Schmidt that would permit him to work from home as a rule."

As AIP must know, these purported facts are completely untrue, as are many other statements in its Reply Brief.

I decided to write to you when I found that the Local Rules do not provide a way for me to bring misstatements of fact in a Reply Brief to the Court's attention before a ruling on the venue motion.

I seek the Court's guidance on whether I can submit the 57 pages of AIP-generated work-location documents. I am not seeking to submit further arguments or even to submit new facts. I am simply asking if the Court would like to review documents that confirm my version of events.

I would appreciate your guidance in this matter.

Sincerely,



Jeff Schmidt

cc: Teresa Burke Wright, Esq.

CERTIFICATE OF SERVICE

On this 24th day of November, 2003, I sent the following party via first-class mail a copy of the foregoing Plaintiff's letter to Judge Urbina seeking the Court's guidance on the submission of documents concerning venue:

Teresa Burke Wright, Esq.
Jackson Lewis LLP
8614 Westwood Center Drive, Suite 950
Vienna, VA 22182

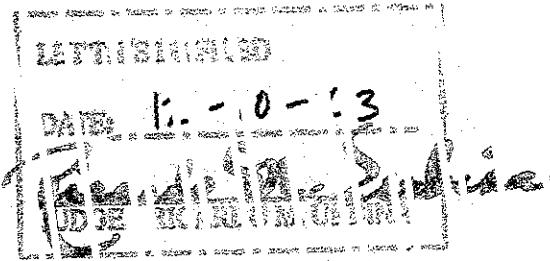
J. Schmidt

Jeff Schmidt (Plaintiff *pro se*)
3003 Van Ness Street NW #W406
Washington, DC 20008

Jeff Schmidt 3013 Van Ness Street NW #W406 Washington, DC 20008
202-537-3637 jeffschmidt@attw.att.net

24 November 2001

Hon. Richard M. Uviller
United States District Court
for the District of Columbia
F. Barrett Pritchett U.S. Courthouse
333 Constitution Avenue NW, Room 6111
Washington, DC 20001



Re: Civil Action No. 1:03-cv-1691
Jeff Schmidt v. American Institute of Physics

Dear Judge Turpin:

I am writing to seek the Court's guidance on how I can respond to a future motion to dismiss in a reply brief arising out of a venue transfer motion.

After I was fired from my job, I sued my former employer the American Institute of Physics, in District of Columbia Superior Court, because I worked for AIP² in the District of Columbia. AIP moved the case from that District of Columbia state Court to this District of Columbia federal Court, and then filed a motion to move the case to a Maryland federal court. I filed an Opposition to AIP's venue change motion because I believe it is unwarranted and because transferring the case to Maryland would inconvenience me and my witnesses. AIP then filed a Reply to my Opposition.

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